

Exhibit A
Proposed Curcio Hearing Questions

A. Competence Questions

- Age
- Education
- Current medications
- Consumption of alcohol, drugs, medications within past 24 hours
- Ability to understand interpreter

B. Conflict of Interest

1. Are you satisfied with the services of Ms. Shroff thus far?
2. Has Ms. Shroff informed you that she previously represented two cooperating witnesses in related cases? I will refer to those witnesses as CW-1 and CW-2.
3. Has Ms. Shroff informed you that CW-1 and CW-2 have provided information to the Government about you and/or your alleged co-conspirators which relates to your case?
4. Has Ms. Shroff informed you that if you were to proceed to trial, CW-1 could testify against you? That CW-2 could testify against you?
5. Do you understand that the fact that Ms. Shroff previously represented CW-1 and CW-2 could lead her to have loyalties divided between you and those defendants?
6. Ms. Shroff has indicated in her notice of appearance that she only intends to represent you with respect to litigation relating to the Classified Information Procedures Act (CIPA). Do you understand that the conflict could affect the way that Ms. Shroff considers and advises you, including whether and what arguments you should raise in response to any litigation regarding classified materials.
7. If Ms. Shroff represents you in other matters on this case, do you understand that the conflict could affect the way that Ms. Shroff considers and advises you on:
 - a. Whether, and when, you should plead guilty;
 - b. Whether you should seek to cooperate with the Government;
 - c. What defenses you should raise;

- d. Whether you should proceed to trial;
 - e. Whether you should testify at trial;
 - f. Which witnesses should be cross examined, and what questions they should be asked;
 - g. Which witnesses to call, and what other evidence to offer on your behalf;
 - h. What arguments to make on your behalf to the jury; and
 - i. What arguments to make to the Court, and what facts to bring to the Court's attention, before trial, during trial, or at your sentencing.
8. Let me give you some examples of the ways in which Ms. Shroff's prior representation of CW-1 and CW-2 could adversely affect her representation of you in this case.
- a. Are you aware that Ms. Shroff may have information from CW-1 and/or CW-2 that maybe helpful in defending you, but that she is absolutely prohibited from using that information to defend you because of the attorney-client privilege?
 - b. Do you understand that, should CW-1 testify against you, Ms. Shroff may not use any information to cross-examine CW-1, even if Ms. Shroff believes that such cross-examination would be helpful to you? Do you understand that, similarly, should CW-2 testify against you, Ms. Shroff may not use any information to cross-examine CW-2, even if Ms. Shroff believes that such cross-examination would be helpful to you?
 - c. Do you understand that, although the Court may permit another lawyer to cross-examine those defendants on your behalf, it is possible that Ms. Shroff will not be able to cross-examine them at all?
 - d. Do you understand each of these examples?
9. Do you understand that the greatest danger to you is in the inability to foresee all of the possible conflicts that might arise because of Ms. Shroff's prior representation of CW-1 and CW-2 and her current representation of you?
10. Do you understand that this conflict has existed throughout the entirety of the time that Ms. Shroff has represented you?
11. Please describe in your own words the conflict of interest arising in this situation.

C. The Right to Conflict-Free Representation

12. Do you understand that, in every criminal case, including this one, the defendant is entitled to the assistance of counsel whose loyalty to him is undivided, who is not subject

to any factor that might in any way intrude upon an attorney's loyalty to his interests?

13. In other words, do you understand that you are entitled to an attorney who has only your interests in mind, and not the interests of any other client?
14. Have you received any inducements, promises or threats with regard to your choice of counsel in this case?
15. Do you understand that you have a right to consult with an attorney free from any conflict of interest about this issue, and that the Court will give you an opportunity to do that if there is any aspect of the information that I have conveyed to you today that you wish to discuss with a conflict-free attorney?
16. The Court is prepared to adjourn the remainder of this proceeding so that you may consult with an attorney other than Ms. Shroff about the potential conflict of interest that I have described to you today. In addition, the Court can appoint an attorney for you to consult on this matter if you cannot afford one. Would you prefer to adjourn until you can give more thought to this matter?

D. Continuation of *Curcio* Hearing

17. After considering all that I have said today about the ways in which Ms. Shroff's prior representation of CW-1 and CW-2 adversely affects your defense, do you believe that it is in your best interest to continue with her as your attorney?
18. Is that your wish?
19. Do you understand that by choosing to continue with Ms. Shroff as one of your attorneys, you are waiving your right to be represented by an attorney who has no conflict of interest?
20. Are you knowingly and voluntarily waiving your right to conflict-free representation?
21. Do you agree to waive any post-conviction argument, on appeal or otherwise, that by virtue of Ms. Shroff's representation of CW-1 and CW-2, you were denied effective assistance of counsel by Ms. Shroff?
22. Is there anything that I have said that you wish to have explained further?